

April 27, 1992. (Decision No. 92-80). That rehearing before the PELRB occurred on July 21, 1992 and is the subject matter of this decision.

FINDINGS OF FACT

1. The State Employees' Association of New Hampshire, Inc. is the duly certified bargaining agent of employees employed by the State of New Hampshire.
2. The State of New Hampshire is a public employer as defined by RSA 273-A:1 X and Judd Gregg, as Governor of the State of New Hampshire, is the Chief Executive Officer of the State who, in that capacity, is responsible for conducting labor relations on behalf of the State as a public employer.
3. From the date of the filing of the ULP on January 27, 1992 until and through the date of this hearing (July 21, 1992), the parties have been negotiating for a successor collective bargaining agreement (CBA), have been unsuccessful in reaching a settlement on a successor CBA, and have been operating under an extension of their earlier CBA (Article 21.1) since June 30, 1991, when it otherwise would have expired.
4. The acts complained of in the ULP filed on January 27, 1992 involved allegations that the Governor, contrary to his obligation to bargain in good faith under RSA 273-A:5 I (e) as perceived by the Association, attempted to deal directly with the legislature (not through the Association) to achieve through legislation certain modification in contract benefits which he was unable to obtain through the negotiations process.
5. The 1992 session of the legislature has since adjourned without passing H.B. 1456-FN or any other legislation which would have legislatively modified any terms and conditions of employment of state employees, i.e., any health care benefits provided to those employees under their earlier CBA and the extension thereof.

DECISION AND ORDER

The Board's review of the facts in the case indicates that the conditions warranting both the temporary and permanent cease and desist orders of February 20, 1992 and March 12, 1992, respectively, no longer exist. The 1992 legislative session has

adjourned and there is no pending legislation designed or intended to change the level of benefits provided to employees under the CBA or an extension thereof. Under these circumstances we direct the following remedies:

1. The previously issued temporary and permanent Cease and Desist Orders are VACATED.
2. The State's Motion to Dismiss is GRANTED.

So Ordered.

Signed this 7TH day of August, 1992.


EDWARD J. HASELTINE
Chairman

By unanimous vote. Chairman Edward J. Haseltine presiding.
Members Seymour Osman and Arthur Blanchette present and voting.